



HOUSE OF REPRESENTATIVES

HB 2443

metal dealer licensure; local authority

Prime Sponsor: Representative Livingston, LD 22

DPA Committee on Government and Higher Education

DPA Caucus and COW

X House Engrossed

OVERVIEW

HB 2443 asserts that the state preemption regulating auxiliary containers does not affect a city's, town's or county's power to enforce laws relating to business licensing of scrap metal dealers (dealers).

PROVISIONS

1. Stipulates the prohibition on the regulation of auxiliary containers by a city, town or county does not affect a city's, town's or county's power to enforce laws relating to business licensing of dealers.
2. Provides a conditional enactment if [HB 2131](#) becomes law as the bill rennumbers sections included in this bill.
3. Makes technical and conforming changes.

CURRENT LAW

Statute regulates dealers and prohibits counties, cities and towns from enacting or enforcing ordinances, rules or regulations that conflict with the statutory provisions ([A.R.S. § 44-1645](#)). The Legislature has determined that dealer registration is a matter of statewide concern, and therefore the power of registration is preempted by the state. However, statutory dealer requirements do not affect a city's, town's or county's authority to enforce business licensing laws. Dealer requirements do not apply to a city's, town's or county's system for licensing a dealer if the licensing system includes background checks or identification and fingerprinting of the owners of the dealer. A dealer's license that is current and in good standing with a city's, town's or county's licensing system before September 13, 2013, is in compliance with that licensing system and does not need to reapply unless there is an event or circumstance that requires an amendment or filing pursuant to the city's, town's or county's licensing system's requirements ([A.R.S. § 44-1648](#)).

Scrap metal dealer means each person or business entity, except an automotive recycler, that is engaged in the business of purchasing, trading, bartering or otherwise receiving secondhand or castoff material of any kind which is commonly known as scrap metal ([A.R.S. § 44-1641](#)). *Auxiliary containers* include beverage cans, bottles and containers made out of aluminum or similar materials used for transporting merchandise to or from a business or multifamily housing property (A.R.S. §§ [9-500.36](#) and [11-269.14](#))